

**AGENDA FOR  
CITY COUNCIL MEMBERS' "NOON" MEETING  
MONDAY, OCTOBER 20, 2003  
Immediately Following Director's Meeting  
CONFERENCE ROOM 113**

**I. MINUTES**

1. Minutes from Council Members' "Noon" Meeting of October 13, 2003.
2. Pre-Council Meeting Minutes - RE: Build Through Standards - September 29, 2003.
3. Pre-Council Meeting Minutes - RE: Impact Fee Amendments - October 6, 2003.
4. Pre-Council Meeting Minutes - Executive Session - RE: Cable Negotiations - October 13, 2003.

**II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES**

1. Public Building Commission Meeting (Camp/Cook)
2. Multicultural Advisory Committee Meeting (McRoy)
3. Mayor's Outdoor Dining Committee Meeting (McRoy/Svoboda)
4. Joint Budget Committee Meeting (McRoy/Werner)
5. Homeless Coalition Meeting (Newman)
6. Citizen's Meeting (Newman)
7. Board of Health Meeting (Svoboda)

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS - NONE**

**IV. REQUESTS OF COUNCIL FROM MAYOR - NONE**

**V. MEETINGS/INVITATIONS**

1. Please be our Guest at the 2<sup>nd</sup> Annual Lincoln Lancaster County Homeless Coalition Recognition Event Luncheon - on Friday, October 24, 2003 from 11:30 a.m. to 1:00 p.m. - At First Plymouth Congregational Church, 2000 "D" Street - Please RSVP by Oct. 20<sup>th</sup> to Susanne Blue at 477-4116 or E-Mail. (See Invitation)
2. Nebraska Tax Research Council, Inc. - The organization's annual meeting and conference is on Friday, November 14, 2003 in Lincoln at The Lodge at Wilderness Ridge, (off South 27<sup>th</sup> Street to the west by turning onto Yankee Hill Road and then south (left) at Wilderness Ridge) - \$60.00 Non-Members and \$45.00 Members - Registration starts at 8:30 a.m. - RSVP by filling out enclosed form) (See Invitation for more details)

3. People's Health Center - dedication of our new clinic - at People's Health Center, 1021 N. 27<sup>th</sup> Street on Monday, October 20, 2003 - For an Open House from 10:00 a.m. to 12:00 p.m. - There will be a Program at 10:00 a.m. featuring keynote speaker Congressman Doug Bereuter - (See Invitation)
4. The Lincoln Chamber of Commerce invites you to attend the following Ribbon Cutting: - Please RSVP to Tera Pugh at 436-2355 or E-Mail:
  - A.) Encompass Architects, 720 "O" Street, Lot F on Thursday, November 13, 2003 at 4:00 p.m.
5. Downtown Neighborhood Association Membership Meeting on Thursday, October 28, 2003 at Delray Ballroom, 817 "R" Street from 5:15 p.m. to 7:00 p.m. - Meeting will begin at 5:30 p.m. with the presentation of a Good Neighbor Award - Following we will hear from speakers representing both sides of the proposed, citywide smoking ban - From 6:30 p.m. to 7:00 p.m. enjoy the time with friends and neighbors - John Carlini will be providing terrific jazz on the keyboard. - (See Invitation)
6. The Omaha City Council is pleased to announce a joint meeting with the Lincoln City Council on Wednesday, November 5, 2003 from 2:00 p.m. to 4:00 p.m. at Jesse Lowe Conference Room, 3<sup>rd</sup> Floor, Omaha/Douglas Civic Center, 1819 Farnam Street in Omaha - (See Invitation)
7. The Lincoln Chamber of Commerce - Reception on Tuesday, November 4, 2003 from 4:00 p.m. to 5:30 p.m. to welcome Jamie McDonald as the newly appointed Plant Manager for Square D at Lincoln Chamber of Commerce, 1135 "M" Street, 3<sup>rd</sup> floor - RSVP by October 30<sup>th</sup> to Tera Pugh at 436-2355 or E-Mail. (See Invitation)
8. Lincoln Chamber of Commerce - Discovering Increasing Returns Through Technology - on Wednesday, October 22, 2003 from 8:00 a.m. to Noon at the Chamber office, 1135 "M" Street, 3<sup>rd</sup> floor - Admission is \$20.00 prepaid - RSVP by October 20<sup>th</sup> to Tera Pugh at 436-2355 or E-Mail. (See Invitation)

#### **VI. MISCELLANEOUS - NONE**

#### **VII. CITY COUNCIL MEMBERS**

#### **VIII. ADJOURNMENT**

**MINUTES**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, OCTOBER 20, 2003**  
*CONFERENCE ROOM 113*

*Council Members Present:* Jon Camp, Chair; Terry Werner, Vice-Chair; Jonathan Cook, Glenn Friendt, Annette McRoy, Patte Newman, Ken Svoboda; *ABSENT:* None

*Others Present:* Mark Bowen, Ann Harrell, Mayor's Office; Dana Roper, City Attorney; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda

**I MINUTES**

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Chair Camp requested a motion to approve the above-listed minutes. Terry Werner moved to approve the minutes, as presented. The motion was seconded by Annette McRoy and the minutes were approved, as presented, by general consensus of the Council Members.

**II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES -**

1. PUBLIC BUILDING COMMISSION (Camp/Cook) Mr. Cook reported that the main discussion had been in regards to the Health Department expansion plans. Mr. Cook noted that a lot of neighbors had attended and watched the proceedings. The new plan, of course, is to expand East and North. The parking would go even further East. This would eliminate the need to buy the Speedway properties, or any of the homes in the neighborhood. It would also orient the traffic towards "O" Street.

A related issue was the house that was up for sale. There were a couple of people who wanted to sell their home because it is near the Health Department and they thought this was their opportunity to do so; but now we don't need to buy it. So, it was decided not to go ahead with the purchase of that home.

Mr. Werner asked if the Health Department expansion plan was a done deal? He asked if a vote had been taken. Mr. Cook answered that it was not - they had voted to send it to the neighborhood and have a neighborhood meeting; then have it brought before the Commons, and then brought back to the Public Building Commission. This will give us the opportunity to hear what all the elected officials think and what the neighborhood thinks.

Mr. Werner asked what the meeting schedules were. Mr. Cook outlined those meetings for him. Mr. Camp observed that this plan isn't a direction, but just a very possible option. Mr. Cook agreed that that was the case. He added that one thing that makes the plan fairly compelling, though, is that it is quite a bit cheaper than the other option we had. We're not buying the homes, we're not buying the businesses. He stated that he could see

that there could be a little controversy over the Park land issue, but so far, not much has been said. Mr. Cook noted that there had been discussion of adding by either shelling out a basement or a third floor that was large enough to accommodate future expansion there without major future construction.

Ms. Newman stated that some of the folks that she has talked with have asked why we don't have a satellite facility. Northeast Lincoln is one of the areas that is under-served. Mr. Cook agreed, but noted that all the PBC has for reference in the matter is the Health Department's belief that centralizing is a more efficient thing for them, and they want to bring that plan forward. There was further discussion, -some serious, some less than serious- about the locating of the expansion project; but it was noted that the final location would be determined by the Health Department's recommendation.

Mr. Cook continued his PBC report with the update of the parking garage - and how behind schedule it is. He noted that Mr. Jim Hille had come forward and looked through everything. Mr. Hille determined that the contractor should be given a 24 day extension on the contract. Mr. Cook noted that the Commission had given them a 30 day extension on their contract. They weren't happy with that - they wanted more, but Mr. Cook stated that he did not think they were entitled to more time, based upon what the Commission had heard. He reported that the expected completion date was determined to be November 10<sup>th</sup>. Mr. Bowen interjected that that date had changed again, because Hudkins and Wilson were in to see the Mayor at the end of last week and they were talking about early December. Mr. Cook asked what about the Commission's vote then? Mr. Bowen stated that Don [Killeen] didn't give much explanation to Coleen. The time that they will actually be opening the garage to parking had changed by a couple of weeks....to a time a little closer to the 1<sup>st</sup> of December. Mr. Cook commented that there is a difference between extending the contract to allow that and the opening date. Mr. Bowen noted that the contract extension date had stayed the same. Mr. Cook stated that we may actually fine them a certain amount for those extra weeks. Mr. Bowen indicated that that was correct; but the opening would not be until mid-December. Mr. Cook noted sadly that it would not be available for the public hearing on the smoking ordinance.

Mr. Cook explained that the completion of the elevator in the garage would not be done until a month after the opening. He thought they considered, for the purposes of the contract, that if it was open for parking that it is open enough to avoid the fines for late completion.

Mr. Werner asked if the food court decision had been made. Mr. Cook reported that four or five vendors are interested in bidding. Mr. Camp stated that they had resurrected the old Food Committee. Ms. McRoy asked who the vendors were who were interested. Mr. Cook had not brought a list. Mr. Camp noted that there were a lot of smaller shops, with one coffee house across the street at Landmark, and four others as well. Mr. Cook observed that, as Council Members may have read in the newspaper, there was consideration of using the vendor that supplies food to the jail. But then, Chief Casady had announced that the uniformed officers wouldn't want to use it, but would send someone over in plain clothes, because they wouldn't want these prisoners spitting in their food...or whatever.

Mr. Camp asked, out of curiosity, what the Council's feelings were on whether or not Correctional "guests" should serve? Ms. Newman commented that that doesn't bother her, but she wants her junk food....not healthy stuff. Mr. Werner commented that his feeling was that the Food Committee should handle the issue. Ms. McRoy stated that she wanted to know who the other vendors were. Mr. Bowen answered that he had his list upstairs and would see to it that Council Members received a copy. It was asked how soon the contract could be let? Mr. Camp noted it would probably be at least a month. Mr. Bowen added that once Solid Ground had been selected, they had waited six weeks before they found staff and put their equipment in with actual service begun.

2. MULTICULTURAL ADVISORY COMMITTEE (McRoy) - Ms. McRoy reported that MAC is working on a couple of big projects. One of them is the January Review of the Recommendations that came out of the 1995 issue regarding the Renteria case. The charges of racism and discrimination will be reviewed. We'll be examining the material, so we'll have a whole month to review the recommendations and see where we can help fix some of those areas that need it.

Ms. McRoy noted that MAC will start dealing with Department Directors, looking at the hiring processes. We're compiling some sort of data base, though we're not quite sure what all of that will be. But, we'll be inviting Directors in on a rotating basis to have several Directors at each meeting [to review City/County hiring procedures in reference to minority hiring].

3. MAYOR'S OUTDOOR DINING COMMITTEE (McRoy/Svoboda) Neither Mr. Svoboda nor Ms. McRoy had been able to attend the meeting. Ms. Harrell commented that she had attended, and noted that it had been relatively straight-forward. The Staff had supplied the committee members with some draft ordinances that had the underlying changes. These changes had been reviewed one by one. We went through a consensus process on which ones seem fine and whether there were any that we questioned or had reservations about. Then it was sent back for further refinement. This was just a good, productive working meeting.

Ms. McRoy asked what the schedule was. Ms. Harrell noted that they were now meeting every other week, and not every week.

Mr. Friendt asked if the new draft of the ordinance encouraged out-door dining areas? Ms. Harrell answered that the idea behind the whole committee was two-fold. One was to update the ordinances to reflect the way we do business. The other was to make it easier for everyone involved, both the applicant and the City. We wanted to streamline the process to make it as business friendly as possible; to maybe eliminate a few steps where possible so the application could be moved through quickly.

Mr. Friendt asked if the Police Department had representation on the Committee. Ms. Harrell noted that they did, with Captain Citta serving on the Committee. Ms. Harrell stated that, obviously, we don't want to make any changes that are going to eliminate any Health or Safety provisions. We also have Health Department there, looking at it from a food safety perspective; and the Police Department ... but the idea was to make it a very business friendly process.

Mr. Werner asked if this would include bars having outdoor seating - or are we trying to exclude bars without the serving of food? Ms. Harrell noted that the general idea is to move away from that. The idea is to have outdoor dining an element of a food service process, not a beer garden. Mr. Svoboda observed that the difficulty is defining "food service".

This discussion continued briefly. A concern was expressed by Mr. Camp regarding excluding bars from having outdoor seating. He felt there were some divergences where we're penalizing certain segments of the business community. Mr. Werner agreed that that is a concern. Mr. Werner also commented that sometimes assumptions are made that don't have any real concrete data behind them...such as "all bars are bad". Ms. Harrell commented that what the Committee is trying to steer away from is the idea of a beer garden on the sidewalk.

Another concern discussed was the exemption of the beer gardens from the smoke-free ordinance as an outdoor area since the data on hand was not sufficient to indicate that second-hand smoke in an outdoor was detrimental.

4. JOINT BUDGET COMMITTEE (McRoy/Werner) Mr. Werner reported that it was the first full JBC meeting that he had attended. He noted that it seemed like a routine meeting with Kit going down the list of Agenda items. There had been some discussion on a gambling study that will be taking place which is funded by the City. This report is supposed to be completed by the end of the year. There wasn't really anything else of earth-shattering importance.

5. HOMELESS COALITION MEETING (Newman) Ms. Newman had a conflict of schedule and was unable to attend the meeting. She had attended the Huntington School Community Learning Center instead. She had tried to get one of the interns to attend the Coalition meeting in her stead, but the intern had been busy with school activities. Ms. McRoy asked if Ms. Newman would be going the Homeless Coalition's luncheon. Ms. Newman indicated that she would be.

6. CITIZEN'S MEETING (Newman) Ms. Newman reported that the Citizen's Meeting had been held on Thursday, with Mr. Svoboda attending. There had been 18 people in attendance for Bruce Dart's presentation on the Clean Air Act. Ms. Newman commented that Mr. Dart is fabulous, She stated to Council that if they'd ever seen him in a smaller group, they would know that he is very entertaining. He was giving some of the folks a hard time. But, the presentation was very entertaining and it was a very good meeting.

Ms. Newman commented that of the 18 people that were there, not one said that they were against the smoke-free ordinance. Mr. Camp asked if there were any for it. Ms. Newman stated that she thought all of the citizens in attendance had raised their hands in support of the ordinance. [Neither Mr. Svoboda nor Ms. Newman had indicated a preference at the meeting when the poll was taken] Mr. Svoboda paraphrased the results of the poll by saying that everyone in attendance was in support of the ordinance.

7. BOARD OF HEALTH (Svoboda) Mr. Svoboda stated that the meeting agenda had pretty much already been covered in today's discussion on the Clean Indoor Air Act. The Board had voted 7-0 to pass that with the exemptions that we have discussed earlier.

The only other thing was a report on the Summer Food Program completion. It had been another outstanding year for the Summer Food Program. Mr. Cook asked how many people had been in attendance to testify on the smoke-free ordinance. Mr. Camp commented that there are some good minutes of that meeting that have been given to Council. Mr. Svoboda stated that those minutes were from the meeting held the previous month. This last meeting was just action - at last Tuesday's meeting. At the Public Hearing there were nearly 25 or so people who spoke. It was almost divided half-and-half, pro and con. Mr. Cook asked if most of the con were businesses or were they individuals. Mr. Svoboda answered that there were a couple of individuals, but mostly businesses - bars and restaurants, specifically.

OTHER MEETINGS - Ms. Newman had attended the Community Learning Center at Huntington School. Ms. Newman indicated that she had toured the facility and was able to observe the after-school program, and felt that the Huntington School facility tour was wonderful. The after-school programs that they're providing for the kids through CLC is a great program. She hoped that the City could find funding to make it sustainable.

### III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen reported briefly on an update of the Joint Lincoln/Omaha meeting. There will be a bus coming to transport them. He had been trying to reach the group regarding the presentation on the Rail program. The spokesman has been traveling and may not be available for the meeting, but it would be the intention to have him make a presentation. Ms. Newman asked if Eric [Miller] would be allowed to speak? Mr. Bowen stated that he would leave that up to Dunae [Eitel]. He had received an e-mail from the Omaha folks stating that they had seen the article in the paper about the costs and asked how much [money] we're talking about! Ms. Newman responded that the article had been very negative.

Mr. Camp asked if the Budget meeting before the Joint Meeting was still scheduled. Mr. Bowen stated that it was.

### V. MEETINGS/INVITATIONS - Noted Without Significant Comment

### VI. MISCELLANEOUS - None

### VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - Mr. Friendt gave an update on the Police and Fire Pension Trust Board draft negotiations. He noted that it had been removed from the pre-council listing because, in a review of the most recent draft with representatives of both unions, it was discovered that there was a difference of opinion on some very critical issues. He noted that there were three areas of contention that must be resolved before the issue could be brought forward. Those three areas were:

1) The issue of a Super Majority, which included concerns regarding the number of union representatives on the Board. (Unions want four representatives 2-Police/2-Fire, with a nine member board and they will settle for nothing less). They're willing to have a super-majority vote rule and if you do that with four union representatives, they could block everything. You can't get a super-majority to get anything done ("Super-majority" would be six members).

Mr. Friendt felt that was a serious issue. He noted that we still have a major taxpayer supported City asset that is not the Police and Fire money until the checks are written for their benefits. This stance by the union is suggesting that the agenda for this negotiation is not nearly as transparent as he had at first believed.

2) The unions would like to see that the Board of Trustees would not only have oversight on investment strategies, selecting of investment advisors, approval of investment strategies, changes in that strategy, assessment of how our pension is performing against other pensions, but they also want to have over-sight on the administration of the pension. The way they talk about it could lead to them saying they don't want City folks administering this pension fund. Mr. Bowen stated that they want to have some assurance that it could be delegated. Mr. Friendt felt this issue could be worked out.

3) The unions were concerned with the fact that we had struck any mention of this Board dealing with benefits and what they should be and making benefit recommendations to elected officials. Mr. Friendt felt the sole purpose of the Board should be managing the funds to get the best possible return. They wouldn't be an organization to be providing advise on benefits. There is a process now - the unions go through our Personnel Department which is responsible for benefits for the County and the City. Those recommendations would go to the Mayor and then would eventually come to Council for approval.

Mr. Friendt stated that with these concerns, the question is do we want to have an independent Board that would get into the benefits recommendation process.

Discussion revealed that the Council would not have a unilateral authority to change the benefits after the negotiations. Mr. Roper indicated that the City would have to negotiate any changes. Benefits are a condition of employment and Council cannot do anything to a condition of employment.

Mr. Cook asked what the negotiation process would be for changing it. Mr. Roper stated that the process would be one of negotiation. If you want the Plan changed, tell us how. Mr. Cook asked then if this is separate from the normal union contract negotiations? It would be a separate set of negotiations. Mr. Roper indicated that that is correct.

Mr. Friendt commented that there is a practical part of that process. For the unions, or even for the City to go back and say the Plan should be changed, there are all kinds of actuarial computations to determine how that change would be implemented - how it would be financed, what would the implications be twenty years down the road. Can we afford the change? If we can afford it, what would it mean in terms of the City Budget and taxes, etc. Mr. Friendt stated that according to staff, every time those actuarial numbers are figured, it can be between a \$25,000-\$50,000 bill from advisors. If the Board of Trustees does that, it comes out of the pension fund...which further depletes the fund and the City is responsible to replenish it. Mr. Friendt felt, if the unions want to come forward and offer a change, they should be responsible for the computation expenses.



Discussion continued for a time on this issue. Mr. Friendt indicated that he will officially make a request to Mayor Seng that the City consider, for these final stages of negotiation, the hiring of an expert, because they [unions] are using an expert that they are funding. This is someone that the City unions have used extensively. Mr. Friendt felt this was putting Don Taute in a very tough spot. Mr. Taute has a lot of skills, but he admits that pension fund law and pension fund governance is not his particular area of expertise. Mr. Friendt indicated that he wanted to let the Administration work this out and see what recommendation comes forward. Mr. Friendt reminded Council that this was just his viewpoint on this issue and Council Members would have the opportunity to make their own judgements as the issue comes forward.

Mr. Camp felt it was important that Council have input while the matter is in the process, because once it is in writing and submitted to them for consideration, it is harder to change. The taxpayers are the ones who guarantee everything and are paying all the expenses. These changes would open the door for a lot of potential changes.

Mr. Friendt was concerned about the projected increase in payments over the next five years. The spread from being 115% funded as we were seven years ago and 98% now....could be in serious jeopardy. We would be frozen where we are now, but we'd still have to be writing the checks and doing the benefits, regardless.

Mr. Friendt state that he will be at the next meeting. He has indicated that it would be great when dealing with this kind of change if the group -which would include the Mayor/Personnel/Finance/Unions/and a City Council Member who has been working closely with the issue- could come forward and say we have worked out what we think is a reasonable compromise and something that would serve both the citizens and the unions. That would be Mr. Friendt's hope.

Mr. Bowen stated that the unions would be meeting with their attorney this week and then get back to us. If Council members would want a pre-council, the next available date would be November 24<sup>th</sup> [*November 3<sup>rd</sup> would be open for a pre-council if the Council wanted to meet at 8:45 a.m.*]

ANNETTE McROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - No Further Comments

**ADDENDUM:** The only discussion of the Addendum items involved the second meeting noted which had been sent to the General Council from the Health Department, inviting Council Members to a Friday, October 24<sup>th</sup> 2:00 p.m. meeting in the Mayor's Conference Room on the issue of the Health Department's outreach to the South Salt Valley and Everett Neighborhood Associations. Upon investigation, it was learned that this invitation had been intended for Mr. Cook only, as Mr. Cook is the representative for those neighborhoods involved. However, Mr. Cook determined that he was unable to attend due to a conflict in schedule. He requested any pertinent information be forwarded to him at his City Council office. The Health Department was notified of this on 10-20-03. *[The Health Department has re-scheduled the meetings with proposed dates of either the 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> of December]*

**VIII. MEETING ADJOURNED** - Approximately 12:25 p.m.

cm101303/jvr